THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.7254 OF 2004

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ORDER:

Heard both sides and perused the material on record.

This Writ Petition is filed seeking a Writ of Mandamus declaring the crime registered against the petitioners in FIR 9/04 dated 6.3.2004 on the file of the 2nd respondent, as arbitrary and illegal.

This Court while issuing *Rule Nisi*, by order dated 16.4.2004 directed the respondents not to arrest the accused, pending further orders.

In the counter-affidavit filed by the Sub-Inspector of Police, Mulakalapalli Police Station, it is stated that the 3rd respondent herein filed a private complaint against the writ petitioners before the Court of Additional Judicial First Class, Kothagudem and the said complaint was forwarded to the 2nd respondent-Station House Officer, Mulakalapalli Police Station, for investigation. In pursuance thereof, a case in Crime No.9/2004 under Sections 436, 148 read with Section 34 IPC., and under Section 3(iv), (v), (viii), (ix), (xv), (2) (iii) of S.C. & S.T. (Prevention of Atrocities) Act & under Section 156(3) of Code of Criminal Procedure was registered on 5.3.2004 against the writ petitioners and the investigation was taken up by the 1st respondent. It is also stated that after completion of investigation in the above crime, the same was closed as mistake of fact by the Investigation Officer and necessary permission was sought from the Additional Director General of Police, CID., A.P., Hyderabad, for referring the above crime as 'mistake of fact'.

The version of the respondents in the counter-affidavit has not been disputed by the petitioners and no reply affidavit was filed. In the light of unrebutted averments made in the counter-affidavit, it is clear that though a crime was registered against the writ petitioners on the basis of the complaint given by the 3rd respondent, investigation has already been completed and the same was closed as 'mistake of

fact'. Therefore, nothing survives for adjudication in this Writ Petition.

The Writ Petition is accordingly dismissed as infructuous. No costs.

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19th October, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.No.7254 OF 2004

19.10.2005.

Between:

Pandalaneni Venkata Ratnam

And 11 others. .. Petitioners.

And

The Deputy Superintendent of Police

Kothagudem, Khammam District and two others. .. Respondents.